

SERIAL PR08- 05- RFP

REQUEST FOR PROPOSAL - ADOBE DAM REGIONAL PARK RECREATION CONCESSIONS

Purpose: This document defines the basic services required; the proposal procedures; the evaluation criteria; and other factors pertinent to this Request for Proposal (RFP). The purpose of this RFP is for the selected Proposer to construct, manage, operate and maintain a recreation concession to be located within Adobe Dam Regional Park. The Proposer will furnish all labor, materials, equipment, permits and insurance to perform the tasks required.

Release

Date: **October 7, 2008**

Location: Adobe Dam Regional Park, 43rd Avenue and Pinnacle Peak Road, Phoenix, Arizona 85310

Proposal: Shall consist of a proposal to construct, manage, operate and maintain a recreation concession within Adobe Dam Regional Park, Maricopa County Parks and Recreation Department.

Forms: Copies of the Request for Proposal may be obtained from Maricopa County Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, Arizona 85004, Phone: (602) 506-2930, or by downloading from the Website at www.maricopa.gov/parks.

Pre-Proposal: A **Mandatory** Pre-Proposal Conference will be held at the Maricopa Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, AZ 85004 at **9:00 a.m. (Mountain Standard Time) on Wednesday, October 22, 2008. Proposals from non-attendees will not be considered.** Potential Proposers should meet at the appointed time. Parks staff will make a brief presentation and questions will be answered. If requested by attendees, copies of oral and written questions and responses will be sent to all attendees. **Please bring a copy of the RFP with all Exhibits and Appendixes.**

RFP Costs: *Proposers are not entitled to recover any Proposal preparation costs or other costs or damages.*

Due Date: Proposals are due at the Maricopa County Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, AZ 85004, not later than **3:00 p.m. (Mountain Standard Time) on Thursday, December 4, 2008. Late Proposals will not be accepted.**

All Proposals must be submitted in the format identified in the RFP. The Maricopa County Board of Supervisors reserves the right to reject any and all Proposals.

All Proposals are to be sealed, signed, and marked: **Adobe Dam Regional Park Recreation Concessions – Serial PR08-05-RFP.** All inquiries relative to this Solicitation should be directed to Tom Timmons, Maricopa County Parks and Recreation Department, 234 N. Central Avenue, Suite

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6400, Phoenix, Arizona 85004; Phone: (602) 506-3998; or via e-mail to:
tomtimmons@mail.maricopa.gov.

All Proposals will be submitted to:

Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N. Central Avenue, Suite 6400
Phoenix, Arizona 85004

ATTENDANCE IS MANDATORY AT THE PRE-PROPOSAL CONFERENCE

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1.0 **INTRODUCTION.**

1.1 Scope and Intent.

- 1.1.1 Maricopa County, Arizona, through its Parks and Recreation Department, hereinafter known as "Parks," is soliciting proposals from qualified proposers to meet basic services which encompass the construction, operation, management and maintenance of recreation concessions (to be defined by Proposer) to enhance those recreation concessions currently located at Adobe Dam Regional Park ("Park"). Concessions are to be family-oriented, recreational activities, so that the users can enjoy a safe, meaningful outdoor experience.
- 1.1.2 The Parks is conducting a competitive selection process to obtain these services. It is the intent to use the Request for Proposal (RFP) process described herein to select one or more qualified Proposers, per parcel of land available, to provide those services selected by the Parks that will enhance the recreational opportunities, or be in support of those opportunities, currently available to residents of Maricopa County.
- 1.1.3 While family-oriented recreation is the primary goal of Parks, a secondary goal is to provide revenue to Parks. Priority consideration will be given to "for-profit" recreational concessions; however, "non-profit" recreational concessions are encouraged to submit proposals. It is not the intent of Parks to modify existing Concessionaire agreements in favor of new proposals. It is not the intent of Parks to restrict existing Concessionaires from submitting proposals that would expand their existing Concession, add new concessions, or change their status from "non-profit" to "for-profit". If this is their desire, they must submit a Proposal in response to this RFP clearly identifying their desire, with the understanding that if selected, their Proposal will be subject to negotiation of a new Use Management Agreement.
- 1.1.4 Submission of a Proposal by an existing Concessionaire will not void their existing Agreement, to include the property currently assigned to that Concessionaire. If the existing Concessionaire desires to terminate their existing Agreement in favor of consideration for a new award (Use Management Agreement), their desire must be clearly stated in the Proposal. Termination of the existing Agreement will be in accordance with the provisions of that Agreement.
- 1.1.5 In the context of this RFP, the Proposer refers to the entity seeking to provide the services required; Entity means functioning as a legal business entity recognized in the State of Arizona; and Concessionaire refers to that entity that is presented with the opportunity to negotiate a Use Management Agreement

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with the County. *The terms of the Use Management Agreement are subject to negotiation.*

- 1.1.6 Parks reserves the right to continue seeking qualified Concessionaires if suitable land parcels remain available. Selection will continue to be as outlined in this RFP.

1.2 Exceptions.

Exceptions to the provisions as stated in the RFP *must be submitted in writing prior to the Pre-Proposal Conference.* Requests must have necessary supporting documentation in order for Parks to make a written determination as to the Proposer's eligibility to participate in this solicitation. Exceptions will be reviewed by Parks. Responses to exceptions will be provided in writing prior to the date required for Proposals to be submitted. Submit exception requests to:

Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N. Central Avenue, Suite 6400
Phoenix, AZ 85004

1.3 Demographic Trends – Arizona and Maricopa County.

- 1.3.1 Arizona's population growth rate, especially within Maricopa County, continues to be one of the fastest growing in the nation. Over sixty percent (60%) of the State's population lives in Maricopa County.

Demographics:

5 and Under	7.8%
18 and Under	26.4%
65 and Older	12.8%
Median Household Income (2004)	\$43,696
% Native Hawaiian/Pacific Island	0.2%
% White (Not Hispanic)	59.7%
% Hispanic/Latino	29.2%
% Black	3.8%
% Asian	2.4%
% American Indian/Alaska Native	4.8%

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- 1.3.2 The economic forecast remains strong despite the current economic downturn as business opportunities continue to grow in proportion to the growth in population. In general, areas of retail, construction, hospitality, recreation and high tech remain the major components of the economic development spectrum within Maricopa County.
- 1.4 History of Adobe Dam Regional Park.
- 1.4.1 Adobe Dam Regional Park, one of ten parks in Maricopa County Parks System, is located at 43rd Avenue and Pinnacle Peak Road in north Phoenix. (See **Appendix I – Location Map**)
- 1.4.2 The Adobe Dam Flood Control structure was developed by the United States Army Corps of Engineers in 1975, with construction completed in 1982, and is managed by the Flood Control District of Maricopa County (FCD). The FCD also manages those lands that lie directly in the floodway path leading both to and from the Dam, including the Park. The Park is a relatively flat area and is comprised of over 1,500 acres of land, much of which is sandy loam. The entire Park is located in a flood retention area and is within the one hundred-year pool elevation. (See **Appendix IV – Adobe Dam Elevations**) Specific information pertaining to floodplain information, development guidelines and restrictions are incorporated into this RFP. (See **Appendix III – Development Guidelines and Restrictions; Appendix IV – Adobe Dam Elevations; Appendix V – Floodplain Regulations for Maricopa County; and Appendix VI – Right-of-Way Permit Application Process**)
- 1.4.3 A Joint Use Agreement exists between County and FCD which provides the enabling structure for the County, through its Parks and Recreation Department, to manage the Park's recreational uses. From the Parks' perspective, direct oversight of the Park in regards to overall operation and maintenance is the responsibility of the Cave Creek Regional Park Supervisor. This oversight responsibility is subject to change if realignment of responsibilities occurs within Parks. The current Joint Use Agreement between County and FCD is for fifty (50) years with a fifty (50) year renewal option. The initial term of the Agreement is due to expire around year 2056.
- 1.4.4 For purposes of this RFP, the Park is defined as all land, structures, facilities and services identified in the RFP as well as other additional structures, facilities and services proposed and identified by the successful Proposer and approved by Parks.
- 1.5 Existing Concessions.
- 1.5.1 "Non-profit" recreation concession facilities located at the Park include: Sahuaro Central – a railroad theme complex; Arizona Model Pilots Society – a model airplane flying club; Arizona Kart Racing Association – a dirt track kart racing facility; and Phoenix Kart Racing Association – a paved track kart racing facility.

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- 1.5.2 "For-profit" recreation concessions include: The 500 Club Golf Course – a 27-hole golf course; Victory Lane Sports Complex – consisting of lighted ball fields, batting cages and volleyball courts; Fort Adobe Paintball Complex – lighted paintball playing facilities; and Maricopa Adventure Island – an aquatic theme park.
- 1.5.3 Annual attendance to the Park exceeds 500,000 visitors and receives in excess of five million dollars in annual gross revenue.

2.0 **GOAL.**

- 2.1 It is the Parks' goal to have available to residents and visitors of Maricopa County additional, quality recreational concessions at the Park while remaining focused on Maricopa Parks' mission – "to provide recreational and educational opportunities while protecting park resources." Therefore, recreation concessions selected by Parks shall be state-of-the-art; appeal to a large percentage of the general public; and will provide quality customer service.
- 2.2 It is the expectation of Parks that the successful Proposer will continue to provide recreational opportunities to the general public for which the scope is set forth in Section 1.1 of this RFP.

3.0 **TERM AND TERMINATION.**

3.1 Term.

The term for the Use Management Agreement will be negotiated between Parks and the successful Proposer. It is the intent of Parks to have a maximum term length; however, the term, with renewal options, will be based upon policy and generally accepted practice on the part of Parks. Under no circumstances will the term exceed the termination date of the Agreement between County and FCD.

3.2 Termination.

3.2.1 As a condition of the negotiated Use Management Agreement, a clause for "termination without cause" may be considered.

3.2.2 "Termination for cause" will be included as part of the negotiated Use Management Agreement. Representative reasons include, but are not limited to:

A. Termination of the Agreement between FCD and the U.S. Army Corps of Engineers.

B. The property known as the Adobe Dam Regional Park is no longer safe or useful for recreation purposes.

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- C. New federal regulations make continuation of Agreements infeasible.
 - D. Unsatisfactory performance, determined by Parks, on the part of the successful Proposer within the requirements of the Use Management Agreement.
 - E. Inability of the Parties to mutually agree as to the terms and conditions outlined in renewal options within the Use Management Agreement.
- 3.2.3 Parks retains the option to execute renewal options incrementally, as dictated by specific instances or events to be identified by Parks, prior to the expiration of the current term. Examples would include execution of a renewal option early to facilitate major improvements to the recreation concession or to facilitate the assignment of the recreation concession.
- 3.2.4 Upon termination of the Use Management Agreement, unless otherwise stipulated in the Use Management Agreement, all Proposer improvements will become the property of the County through Parks. In the event of conflict between the Request for Proposal and the Use Management Agreement, the Use Management Agreement will prevail.

4.0 RESPONSIBILITIES AND REQUIREMENTS.

4.1 Insurance/Liability.

- 4.1.1 The successful Proposer will be required to maintain public liability and property damage insurance in a form acceptable to the County. This will include naming the County and FCD as an “additional insured entity” on all required insurance coverage or as stipulated in the Use Management Agreement.
- 4.1.2 The successful Proposer, as appropriate, will be required to carry Worker’s Compensation for statutory limits.
- 4.1.3 The successful Proposer agrees to indemnify and save harmless the County and FCD or any of their dependents, agencies, officers or employees, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or nonperformance of the successful Proposer.
- 4.1.4 The County agrees to indemnify and save harmless the successful Proposer or any of their dependents, agencies, officers or employees, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or nonperformance of the Parks.

4.2 Utilities.

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- 4.2.1 Arizona Public Service (APS) provides electrical service to Adobe Dam Regional Park. The successful Proposer will be required to establish its own separate account and the successful Proposer will be invoiced for payment due, directly from APS.
- 4.2.2 Water will be provided by the City of Phoenix. Parks controls the master meter and is billed by the City of Phoenix. The successful Proposer will provide its own meter from which Parks prorates usage that belongs to the successful Proposer, who in turned is billed by Parks for reimbursement to Parks.
- 4.2.3 Connection to City of Phoenix sewer may or may not be available. In the absence of sewer, the successful Proposer will be responsible for the installation of septic or chemical toilets, whichever is required during the permitting process.
- 4.2.4 The successful Proposer will be responsible for all required meters, connection fees, design, permitting and plan submission fees and other associated costs.
- 4.3 Facility and Grounds Maintenance.
 - 4.3.1 The successful Proposer is responsible for maintenance, repair and overall appearance of their concession site, to include all structures, facilities, amenities, and grounds.
 - 4.3.2 The successful Proposer is responsible for ensuring compliance with the Maricopa County Air Pollution Control Regulations and other environmental statutes, regulations and ordinances as they pertain to air quality and other environmental concerns within Adobe Dam Regional Park.
- 4.4 Construction Plans.
 - 4.4.1 The successful Proposer will be responsible for the submission of Concept Plans, Preliminary Plans, Final Plans and "As-Built" Plans. All construction plans must be submitted to Parks and approving authorities for their review and written approval. No construction may commence until approval is granted by the Parks and approving authorities and all permits have been acquired. *Parks will act only as a facilitator or liaison for the successful Proposer in the obtaining of required permits and approvals and will provide non-technical plan review. It is the responsibility of the successful Proposer to determine permitting and plans requirements.*
 - 4.4.2 Identified permitting and approval authorities include: FCD ("Right-of-Way" Permit); U.S. Army Corps of Engineers (404 Permit or waiver thereof); and the City of Phoenix (regular permitting). Other agencies may include the Maricopa County Environmental Services (Dust Control Permit). Again, it is the

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responsibility of the successful Proposer to determine the approval authorities, permits required and applicable building codes.

- 4.4.3 The successful Proposer, as applicable, will be required to comply with all health, building, zoning, fire and safety codes; the American with Disabilities Act; the Architectural Barriers Act; the Uniform Federal Accessibility Act; and the Arizona Native Plant Law.
- 4.4.4 The successful Proposer will be responsible for all costs associated with the planning; permitting; installation of utilities; reimbursement of utilities used; recreation concession site development; construction; improvements; and insurance.
- 4.4.5 The successful Proposer, at their expense, will be responsible for the completion of all applicable environmental studies and for obtaining all applicable permits and licenses.
- 4.4.6 The successful Proposer will be responsible for ensuring compliance with the Maricopa County Air Pollution Control Regulations and all other applicable federal, state, county and local laws, rules, ordinances, statutes, regulations or other legal guidelines as they pertain to air quality.
- 4.4.7 It is the intentions of Parks to have a representative from FCD participate in the Pre-Proposal Conference and the selection process. Parks does not warrant the accuracy or completeness of information presented by FCD at the Pre-Proposal Conference or in this RFP. It is the responsibility of the successful Proposer to determine regulatory requirements that are applicable to the proposed recreation concession.

4.5 Environmental Compliance.

4.5.1 Current Status.

If the successful Proposer activities result in adverse environmental impacts, the successful Proposer will be fully accountable for any resulting site assessment and clean-up cost required to restore the property. The County will not seek compensation or restitution from the successful Proposer as a potentially responsible party for any release of a contaminant or hazardous substance on the premises prior to the effective date of the Use Management Agreement.

4.5.2 Regulated Uses and Disposal.

- A. The successful Proposer, as part of the RFP, will provide to Parks a complete list identifying all hazardous material or petroleum products and their approximate quantity that will be brought on site. (See **Exhibit J** –

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Hazardous Material or Petroleum Products) Thereafter, the successful Proposer will be required to notify Parks only when hazardous materials or petroleum products, in addition to those initially identified with the Proposal, are brought on site.

- B. Management and proper disposal of all hazardous material is the responsibility of the successful Proposer. The successful Proposer will agree to comply with all environmental laws and regulations and to take such other actions as may be required to protect against environmental liabilities. Any hazardous substances must be disposed of in accordance with all required laws and regulations concerning the use and disposal of such substances. The successful Proposer will be required to keep Material Safety Data Sheets and supporting records on site for the identified materials and products. In addition, the successful Proposer will be required to retain required documentation relating to the management and disposal of all hazardous material.

4.6 Maintenance Program.

- 4.6.1 Parks desires a high level of physical maintenance of the grounds, fencing, structures, amenities, roadsides, etc. in order to guard against disrepair and obsolescence.
- 4.6.2 Incorporated into the Use Management Agreement will be a provision that the selected Proposer will be required to submit for review and approval by Parks, an annual program and budget for the repair and maintenance of the property, facilities, amenities and equipment. The level of maintenance will be in accordance with the Maintenance Program submitted by the successful Proposer and approved by Parks. By definition, maintenance is those activities that are completed to retain or restore an area, facility or piece of equipment in or to an acceptable condition.

4.7 Capital Improvements.

If applicable, as part of the negotiated Use Management Agreement, the successful Proposer will be required to set aside a portion of the annual gross adjusted receipts to establish a special Capital Improvement Project (CIP) Fund. By definition, capital expenditures may include nonexpendable equipment, major renovation projects and acquisition and development of areas and facilities of a substantial nature. *It will not be used for on-going operating expenditures or routine maintenance.* Responsibilities for management of the CIP Fund will be negotiated as part of the Use Management Agreement; however, discussion of a CIP fund will be a requirement in your response to this RFP. (See **Exhibit M –Capital Improvement**)

5.0 **GENERAL PROVISIONS.**

5.1 Accident Reporting.

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The successful Proposer shall immediately report to Parks any event which results in the death or significant injury requiring medical transport or attention to the successful Proposer's employees, successful Proposer members, or members of the general public.

5.2 Debris/Obstacles.

Parcels of land available are "as is" and the successful Proposer is responsible to ensure that there is no debris or obstacles that can interfere with the safe operation of the recreation concession. The successful Proposer is responsible, at their cost, for the removal of such debris or obstacles.

5.3 Park Rules and Regulations.

The successful Proposer is responsible for ensuring that all individuals using the recreation concession are in compliance with Park rules and regulations. These will be included as part of the Use Management Agreement.

5.4 Emergency Notification.

As part of the Use Management Agreement, the successful Proposer will be required to provide names and contact numbers of a primary and alternate Point-of-Contact. This information will be retained by Parks for emergency notification.

5.5 Emergency Evacuation Plan.

The successful Proposer will be responsible for the development of an Emergency Evacuation Plan. The Emergency Evacuation Plan will be provided to Parks and FCD for review and approval. Parks and FCD reserve the right during flood emergency situations, to enter upon any Successful Proposer's recreation concession to mitigate any situation that poses an emergency safety risk to the public. Parks reserves the right to enter the Successful Proposer's recreation concession during any emergency that presents a risk to the Successful Proposer, Parks employees, FCD employees or the public. A sample copy of and Evacuation Plan will be incorporated as part of the negotiated Use Management Agreement.

5.6 Compliance with Laws.

5.6.1 The successful Proposer will agree to comply with all applicable federal, state, County and city statutes, laws, ordinances, rules and regulations as they pertain to the construction, management, operation and maintenance of their respective recreation concession.

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5.6.2 The recreation concession will be open to the public and otherwise enhance public recreational uses as Adobe Dam Regional Park. No person shall be denied use of the recreation concession because of race, sex, age, handicap, disability, color, religion, sexual orientation or national origin.

5.6.3 Employer Sanctions Law.

The contractor warrants that it is in compliance with A.R.S. § 41-4401 and further acknowledges

- A. That the contractor and its subcontractors, if any, warrant their compliance with all federal immigration laws and regulations that relate to their employees and their compliance with A.R.S. § 23-214, subsection A;
- B. That a breach of a warranty under subsection A above, shall be deemed a material breach of the contract that is subject to penalties up to and including termination of the contract;
- C. That the contracting government entity retains the legal right to inspect the papers of any contractor or subcontractor employee who works on the contract to ensure that the contractor or subcontractor is complying with the warranty provided under subsection A above and that the contractor agrees to make all papers and employment records of said employee(s) available during normal working hours in order to facilitate such an inspection;
- D. That nothing herein shall make any contractor or subcontractor an agent or employee of the contracting government entity.

5.7 Recovery of Costs.

Proposers are not entitled to recover any Proposal preparation costs or other costs or damages associated with the preparation of this Proposal including, but not limited to, the event Parks withdraws the RFP; the event Parks does not recommend an award; Parks fails to successfully negotiate a Use Management Agreement; or recommends to County that the award of the Use Management Agreement goes to another Proposer.

5.8 Proprietary Information.

The Proposer must clearly identify items to be considered as "proprietary" information and that they do not want this information to be part of the public record. **This request must be made in writing and submitted prior to Parks receiving the Proposal.** Requests identifying proprietary information received after receipt of the Proposal will not be accepted and information submitted will become part of the public record. Parks will make a determination as to accepting or declining the Proposer's request. As a general guideline, only financial information will normally be considered proprietary and

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then only if requested by the Proposer. Requests for proprietary consideration must be sent to:

Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N. Central Avenue, Suite 6400
Phoenix, AZ 85004

5.9 Rejection of Proposals.

Parks reserves the right to reject any and all Proposals received in response to this RFP if determined to be in the best interest of Parks and Maricopa County. Parks agrees to take reasonable care to protect any proprietary information identified by the Proposers received as part of their RFP response.

5.10 Reports.

Reporting and retention pertaining to financial records and attendance reports will be outlined in the Use Management Agreement.

6.0 **FEES.**

During the term of the Use Management Agreement, the successful Proposer will be required to pay Parks a fee at a rate and frequency to be determined as part of the Use Management Agreement negotiations. (See **Exhibit K – Fee Schedule**)

7.0 **RFP GUIDELINES AND PROCESS.**

7.1 General.

7.1.1 Modifications.

Parks may institute changes or modifications to the RFP specifications and if done so, will notify all participants in a timely manner by an addendum to this Request for Proposal.

7.1.2 Negotiation.

Unless otherwise stated in the RFP, the Use Management Agreement is subject to negotiation.

7.1.3 Proposal Withdrawal.

If at any time prior to the selection of the successful Proposal a Proposer decides to withdraw their Proposal, that Proposer is requested to give written

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notice to Maricopa County Parks and Recreation Department, Attn: Contract Administrator, 234 N. Central Avenue, Suite 6400, Phoenix, Arizona 85004.

7.1.4 Award Consideration.

Consideration for award will only be made to Proposers whose Proposal best meets the criteria stated in the RFP; for Proposers who can best demonstrate the knowledge and resources necessary to commit and succeed with the Proposal submitted; that there has been no previous contract performance issues with County or Parks; and who demonstrate the required qualifications and experience to succeed with the recreation concession.

7.1.5 Incorporation of the Proposal into the Agreement.

The contents of the Request for Proposal and the selected Proposer responses are incorporated, in total, into any Use Management Agreement. Where the Use Management Agreement is in conflict with the RFP or response, the Use Management Agreement will control.

7.1.6 Financial Status.

- A. The Parks reserves the right to require the successful Proposer to provide Parks with unrestricted access to the Proposer's financial records. All Proposers shall make available, upon request, current audited financial statements that reflect the assets and liabilities of the Proposer. This is required in order to determine if the Proposer has adequate resources to construct, operate and maintain the new concession. Failure or refusal to provide this information within five (5) business days after requested, Parks may find this to be sufficient grounds to reject a Proposal.
- B. If this is a new business entity created for the purpose of responding to this RFP, then the following information must be made available upon request:
 - (1) Names and addresses of all individuals with a five percent (5%) or more interest in outstanding shares or ownership interest.
 - (2) Financial statements of each individual identified above.
 - (3) Tax returns for three (3) years for each individual identified above.
- C. By submitting a Proposal in response to this RFP, the Proposer agrees to provide Parks, in writing, with any relevant information requested if the Proposer becomes involved as a debtor: **(Exhibit H – Litigation, Claims, and Judgments)**
 - (1) In a bankruptcy proceeding.

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(2) In a reorganization, dissolution or liquidation proceeding.

(3) If a trustee or receiver is appointed over all or a substantial portion of the property of the Proposer under federal bankruptcy law or any state insolvency law.

D. Parks reserves the right to take any action available to it, if it discovers a failure to provide such information to Parks.

7.1.7 Competition, Non-Collusion and Conflict of Interest.

The Proposer expressly warrants and certifies so as not to foster a non-competitive business environment:

A. That neither the Proposer, its employees, or associates, either by themselves or through an LLC, partnership, corporation, or any other entity, currently possesses any commercial interests adjacent to or near Adobe Dam Regional Park that will compete with major recreational amenities currently being offered.

B. That neither the Proposer nor its employees or associates has directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in conjunction with this Proposal.

C. That the Proposer is not under any contractual or legal obligation or impediment which could or would conflict with the duties and obligations that will be imposed upon a successful Proposer to construct, manage, operate and maintain a recreation concession for the benefit of the County and Parks and the users of the recreation concession.

7.1.8 Public Record.

In accordance with the Maricopa County Procurement Code, all information submitted relating to this Proposal, *except for proprietary information identified with Proposal submission*, will become part of the public record upon the Parties signing and the Board of Supervisors formally approving an award (Use Management Agreement).

7.1.9 Inquiries.

Should you find a discrepancy, identify an omission, or have any questions pertaining to the RFP, notify the Parks and Recreation Department's Contract Administrator in writing at the address below **not later than 15 - days prior to the date for receiving Proposals**. As such, the latest date and time for submitting requests for addenda shall be on **November 19, 2008 at 5:00 p.m. (Mountain Standard Time)**. **Maricopa County is not bound by any oral statements or**

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representations. All questions concerning the interpretation of this document shall be in writing and addressed to:

Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N Central Avenue, Suite 6400
Phoenix, AZ 85004

7.1.10 Award of Agreement.

- A. The award of any Use Management Agreement will not be based solely or primarily on revenue, but will include the evaluation criteria listed in the RFP.
- B. The Evaluation Selection Committee may select one (1) or more Proposals along with any "Add Alternate Proposals" for Parks and Recreation Department staff to negotiate and finalize the Use Management Agreement.
- C. The successful Proposer(s) selected by the Evaluation Selection Committee must negotiate a final Use Management Agreement with Parks within sixty (60) days of selection. *An extension of this sixty (60)-day period may be granted, in writing, by Parks.* Parks will negotiate only with principals or agents of the disclosed principals.
- D. If the negotiation process does not produce a final Use Management Agreement with the primary selected Proposer, Parks may negotiate with the Evaluation Selection Committee's alternate selections under the same constraints and in order of preference.
- E. *A final Agreement may include modifications to the extent necessary, without significantly changing the Scope of the Proposal, to arrive at a mutually acceptable Agreement between Parks and the selected Proposer. Any deviations from the proposed Use Management Agreement, or any alternative or special conditions required by the selected Proposer, should be clearly stated in the Proposal submitted.*
- F. The Use Management Agreement will be forwarded to the Maricopa County Board of Supervisors for final approval.

7.2 Instructions for Preparing the Proposal.

- 7.2.1 Proposers are to provide one (1) original and five (5) copies of their Proposal. All copies will be clearly marked as to being an original or copy.
- 7.2.2 Proposers are required to provide one (1) CD of their Proposal with the original document.
- 7.2.3 Proposers are to address Proposals, identified with title and return address, to:

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Maricopa County, Parks and Recreation Department
Attn: Contract Administrator
234 N. Central Avenue, Suite 6400
Phoenix, Arizona 85004

7.3 Format and Content.

7.3.1 The Proposal submitted must be specific and complete in every detail. Proposals will be all-inclusive in detailing your offer. They should be practical; prepared simply and economically; and provide a straightforward, concise delineation of how you will satisfactorily perform the services being sought.

7.3.2 To aid in the evaluation, all Proposals will follow the general format listed below; will be tabbed; and each copy will be presented in its own 3-ring binder.

- A. Table of Contents.
- B. Short introduction and summary as to how you will accomplish the scope and intent of this RFP.
- C. Narrative.

Provide a narrative as to all aspects of your Proposal. As a minimum, items to be discussed in detail are:

- (1) Description of the recreation concession to include how it will supplement the existing recreation concessions currently located at Adobe Dam Regional Park. Identify your "target audience" to whom the recreation concession will be directed.
- (2) Elaborate on the uniqueness of your Proposal. Include an artist's concept of your recreation concession illustrating such additional features as landscaping, lighting, interior road networks, utilities, structures, etc. A requirement of the Use Management Agreement will include the successful Proposer fencing the recreation concession to the standards identified by Parks.
- (3) Indicate if you are "non-profit" or "for-profit".
- (4) Identify the amount of acres required for your recreation concession.
- (5) Identify from **Exhibit I – Location Map** the primary and alternate site you desire for the required acreage. This information is critical to help resolve proposal conflicts, permitting or FCD concerns.

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- (6) Identify any special areas, issues or concerns to be considered by the Evaluation Committee and, if a successful Proposer, areas, issues or concerns that may impact negotiation of a successful Use Management Agreement. Examples of these areas include, but are not limited to: high noise intensity concerns; illumination complaints such as sport field lights; structure height; type of structure; and environmental, health or safety concerns.
- (7) Elaborate on your experience with the permitting and planning process with Maricopa County, FCD, City of Phoenix or the U.S. Army Corps of Engineers. A requirement of the successful Proposer is acknowledgement that the recreation concession is located in a flood retention area. This acknowledgement will be incorporated into the Use Management Agreement.

7.4 Exhibits to be Included.

Proposals will include the following Exhibits.

Exhibit A - Contact Person - Provide the name and address of the Proposer for purposes of notification or other communication relating to the Proposal. Proposals must be signed by a business entity official who has been authorized to make such commitments.

Exhibit B - References - Provide three (3) governmental agencies or private firms with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Exhibit C - Principals - Enumerate, in detail, the duration and extent of the business experience of the principals, with special emphasis upon experience with shooting complex operation, management and maintenance to which this Proposal relates. You are encouraged to include photographs, videos or any other graphic presentations to demonstrate "like" complexes or other recreation concessions for which you have or had managed, operated and maintained.

Exhibit D - Operations Plan - Describe in detail your operations plan. Include hours of operation and days the recreation concession will be open. Be sure to include the proposed major programs or services you intend to provide. Describe any participation in community-sponsored events (e.g. special events for disadvantaged children).

Exhibit E - Marketing Plan - Provide information describing how you intend to market the recreation concession. This statement should provide Parks with a clear understanding of any unique qualities of the Proposal and how they will complement or enhance the current recreation concessions.

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Exhibit F - Demonstration of Environmental Excellence - Describe the experience of your organization in demonstrating excellence in environmental protection including preservation principles, methods, and techniques. Include knowledge of environmental laws as they apply to operation of the recreation concession.

Exhibit G - Additional Services - Describe any additional services or programs which you desire to provide.

Exhibit H – Litigation, Claims and Judgments - Provide detailed information of any type of litigation, claims, judgments or governmental investigations (previous or pending) involving any principal, participant, individual financial backer or investment group, or legal business entity associated with this Proposal.

Exhibit I - Previous Performance on County or Parks Agreements - Provide a brief summary of your past performance and evaluation on any prior departmental or closely related County or Parks agreements.

Exhibit J - Hazardous Material or Petroleum Products - Provide a detailed list of all hazardous material or petroleum products and approximate quantities initially to be brought on site.

Exhibit K - Fee Schedule - State your proposed fee schedule to be paid to Parks.

Exhibit L - Maintenance Program – Describe, in general, your overall maintenance program for the recreation concession and ancillary facilities. This statement should provide Parks with a clear understanding of any unique qualities of the Proposal.

Exhibit M - Capital Improvement - Describe in detail your proposed plan for addressing Capital Improvement items. Include the annual percentage projected to set aside for Capital Improvement.

Exhibit N - Financial Plan –

- (A) All Proposers shall make available, within five (5)-days of being requested by Parks, current audited financial statements that reflect the assets and liabilities of the Proposer. This is required in order to determine if the Proposer has adequate resources to construct new facilities as part of future expansion and to operate and maintain the recreation concession. Failure or refusal to provide this information may be sufficient grounds for Parks to reject a Proposal.
- (B) If this is a new business entity created for the purpose of responding to this RFP, then the following must be made available upon request:

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- (1) Names and addresses of all individuals with a five (5%) percent, or more, interest in outstanding shares or ownership interest.
 - (2) Financial statements of each individual identified above.
 - (3) Tax returns for three (3) years for each individual identified above.
- (C) Include a financing plan specifying how the Proposal will be financed. Also include documentation supporting the internal availability of equity funds to finance any part of your Proposal not financed with debt. Documentation should specifically include identification of possible lenders and terms; audited financial statements from the Proposer and joint venture partners; and copies of relevant corporate or individual income tax returns.

Exhibit O - Cash Flow Analysis Pro-Forma – Complete all aspects of the enclosed pro-forma cash flow analysis that apply to your Proposal.

Exhibit P – Construction Timeline – Detail the anticipated timeline for initial planning, permitting and construction of the recreation concession. Clearly identify your projected operational date. Repeat the same process as above for subsequent development phases as may be outlined in the Proposal.

7.5 Evaluation and Approval Process.

Proposals will be evaluated by a Selection Committee. The evaluation and approval process is comprised of the following steps:

Step 1: Review of all Proposals for conformance to this Request for Proposal.

Step 2: The elimination of all Proposals which deviate substantially from the basic intent of the solicitation and notification to Proposer.

Step 3: An evaluation of the remaining Proposals. Parks may retain a consultant to assist in evaluating the Proposals.

Step 4: If required, presentation(s) of Proposals by Proposers.

Step 5: Selection of one (1) Proposal (and possible alternate Proposals) to negotiate a Use Management Agreement.

Step 6: Negotiation and finalization of the Use Management Agreement by Department Staff and the selected Proposer.

Step 7: Use Management Agreement to the Board of Supervisors for approval.

Step 8: Notification to non-selected Proposers after approval of the Use Management Agreement by the Board of Supervisors.

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7.6 Evaluation Selection Factors.

The following factors or categories will be considered in the evaluation of individual proposals:

7.6.1 Completeness of the Proposal.

Response to RFP provisions to include the Proposer's references; experience; and presentation (if required).

7.6.2 Development Plan.

- A. Overall concept of how the Proposal supports the Park's mission and how does it compliment the other concessions currently located or projected for the Park. Proposer's management qualifications and experience with recreation concessions. Include photographs, graphics, etc. of the prior facilities.
- B. The Proposer's timetable for development.
- C. The Proposer's plan for additional services.
- D. The Proposer's concern for environmental issues and knowledge of environmental laws.

7.6.3 Management, Operation and Maintenance Plan.

- A. Management qualifications.
- B. Operations plan.
- C. The financial strength and capability of the Proposer.
- D. The maintenance plan and capital improvements.
- E. Percentage of revenue set-aside for maintenance.
- F. Percentage of revenue set-aside for CIP.

7.6.4 Revenue.

- A. Percentage proposed to Parks.
- B. Annual guaranteed minimum to Parks.

7.6.5 Overall.

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- A. Overall strength of the Proposal.
- B. Previous County or Parks performance.

7.7 Schedule of Events.

Unless stated otherwise in the RFP, all dates are approximate and are to be used for planning purposes only.

- (A) Request for Proposals Released: **October 7, 2008**
- (B) **Mandatory** Pre-Proposal Conference: **9:00 a.m. (Mountain Standard Time) Wednesday, October 22, 2008** at Maricopa County Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, AZ 85004. **Please bring a copy of the RFP with all Exhibits and Appendixes. Please bring a business card with you to the Pre-Proposal Conference.**
- (C) Deadline for Submission of Proposals: **Thursday, December 4, 2008.** All Proposals must be received before **3:00 p.m. (Mountain Standard Time)** on the above date at Maricopa County Parks and Recreation Department, Attn: Contract Administrator, 234 N, Central Avenue, Suite 6400, Phoenix, Arizona 85004.
- (D) Approximate Dates for completion of Review of Proposals: **Within thirty (30) days of submission of Proposals.**
- (E) Approximate Date of Proposer's Presentations (if necessary): **Within ten (10) days of completion of review of Proposals.**
- (F) Submission of Evaluation Committee's Recommendation of the Successful Proposer to the Director, Maricopa County Parks and Recreation Department and the Director's concurrence or rejection: **Within ten (10) days of Proposer's Presentation and final Evaluation Committee recommendation.**
- (G) Director's Concurrence; Resolution of any outstanding issues between Director and Evaluation Committee: **Within ten (10) days of submission of initial recommendation to the Director.**
- (H) Approximate Date of Negotiations being completed with the Successful Proposer (if selected): **Within sixty (60) days of completion of the Director's concurrence with the Evaluation Committee's recommendation.**
- (I) Approximate Date of Board of Supervisors to Approve the Use Management Agreement: **Within thirty (30) days upon successful negotiation of a Use Management Agreement.**

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PROPOSAL CHECKLIST

All Proposals Must Contain The Following Information:

- ☐ Table of Contents
- ☐ Short Introduction and summary of the Proposal
- ☐ Narrative
- ☐ Contact Person (Exhibit A)
- ☐ References (Exhibit B)
- ☐ Principals (Exhibit C)
- ☐ Operations Plan (Exhibit D)
- ☐ Marketing Plan (Exhibit E)
- ☐ Demonstration of Environmental Excellence (Exhibit F)
- ☐ Additional Services (Exhibit G)
- ☐ Litigation, Claims and Judgments (Exhibit H)
- ☐ Previous Performance on County or Parks Agreements (Exhibit I)
- ☐ Hazardous Material or Petroleum Products (Exhibit J)
- ☐ Fee Schedule (Exhibit K)
- ☐ Maintenance Program (Exhibit L)
- ☐ Capital Improvement (Exhibit M)
- ☐ Financial Plan (Exhibit N)
- ☐ Cash Flow Analysis Pro-Forma (Exhibit O)
- ☐ Construction Timeline (Exhibit P)

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EXHIBIT A – CONTACT PERSON

Proposer certifies that he has read, understands, and will fully and faithfully comply with this Request for Proposal, its attachments, and any referenced documents.

Name of Respondent Company: _____

Company's Legal Name if
Different than Above: _____

Address: _____

Telephone Number: () _____

Fax Number: () _____

Contact Person: _____

Title: _____

Contact Person's Telephone
Number if Different than Above: () _____

Parent Company (If any): _____

Authorized Signature: _____

Printed Name: _____

Title: _____

Date: _____

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EXHIBIT B - REFERENCES

List three (3) governmental agencies, or private firms, with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Reference No. 1

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Fax: _____

Nature and magnitude of business association, etc.:

Signature of Proposer

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Exhibit B – References (Continued)

List three (3) governmental agencies, or private firms, with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Reference No. 2

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Fax: _____

Nature and magnitude of business association, etc.:

Signature of Proposer

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Exhibit B – References (Continued)

List three (3) governmental agencies, or private firms, with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Reference No. 3

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Fax: _____

Nature and magnitude of business association, etc.:

Signature of Proposer

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EXHIBIT C - PRINCIPALS

Enumerate, in detail, the duration and extent of the business experience of the principals, with special emphasis upon experience with the type recreation concession proposed as it relates to construction, operation, management and maintenance of the proposed recreation concession.

Include photographs, videos or any other graphic presentations to demonstrate the level of experience with the proposed recreation concession or similar type recreation concession.

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EXHIBIT D –OPERATIONS PLAN

Describe in detail your operations plan. Include hours of operation and days the recreation concession will be open. Include the proposed major programs or services you intend to provide. Describe any participation in community - sponsored events (e.g. special events for disadvantaged children).

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EXHIBIT E – MARKETING PLAN

Provide information describing how you intend to market the recreation concession. This statement should provide Parks with a clear understanding of any unique qualities of the Proposal and how it will complement or enhance the current recreation concessions available at Adobe Dam Regional Park.

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EXHIBIT F – DEMONSTRATION OF ENVIRONMENTAL EXCELLENCE

Describe the experience of your organization in demonstrating excellence in environmental protection including preservation principles, methods and techniques. Include knowledge of environmental laws as they apply to operation of the recreation concession.

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EXHIBIT G – ADDITIONAL SERVICES

Describe any services or programs which you desire to provide.

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EXHIBIT H – LITIGATION, CLAIMS AND JUDGMENTS

Provide detailed information of any type of litigation, claims, judgments or government investigations (previous or pending) involving any principal, participant, individual financial backer or investment group, or legal business entity associated with this Proposal.

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EXHIBIT I – PREVIOUS PERFORMANCE ON COUNTY OR PARKS CONTRACTS

Provide a brief summary of your past performance and evaluations received on any prior Department or closely related County contract or agreement.

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EXHIBIT J – HAZARDOUS MATERIAL OR PETROLEUM PRODUCTS

Provide a detailed list of all hazardous material or petroleum products and approximate quantity of each that will be initially brought to the recreation concession.

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EXHIBIT K – FEE SCHEDULE

Provide the proposed percentage of revenue (normally referred to as Adjusted Gross Receipts which equal Gross Receipts minus Sales Tax) or a Guaranteed Minimum Fee that the will be payable to Parks for use of Parks property and Parks administration of the Use Management Agreement.

This will be further defined in the Use Management Agreement.

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EXHIBIT L – MAINTENANCE PROGRAM

Describe in detail your overall maintenance program for the recreation concession and ancillary facilities. This statement should provide Parks with a clear understanding of any unique qualities of the Proposal.

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EXHIBIT M – CAPITAL IMPROVEMENT

Describe in detail your proposed plan for addressing Capital Improvement items. Include the annual percentage projected to set aside for Capital Improvement.

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EXHIBIT N – FINANCIAL PLAN

Include a financing plan specifying how the recreation concession will be financed. Also include documentation supporting the internal availability of equity funds to finance any part of your Proposal not financed with debt. Documentation should specifically include identification of possible lenders and terms; audited financial statements from the Proposer and joint venture partners; and copies of relevant corporate or individual income tax returns.

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EXHIBIT O – CASH FLOW ANALYSIS PRO FORMA

Complete all aspects of this Pro forma format that apply to your proposed recreation concession for the first ten (10) years to operate. Specifics to your Proposal will need to be inserted under the major subsections such as Revenue, Operating Expenses, etc. Standard aspects are included with each subsection. Proposer will be required to add additional entries as appropriate; complete the required Exhibit; and submit it with their Proposal.

Revenue Source	Year 1	Year 2	Year 3	Year 4	Year 5
Other:					
Total Gross Revenue					
OPERATING EXPENSES					
Cost of Goods & Services Sold					
Salaries & Benefits					
Management Fees (operation)					
Repairs & Maintenance					
Utilities					
Insurance					
Equipment Lease & Rental					
Advertising & Promotion					
Accounting & Computer					
Taxes					
Contractual					

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Services: (Pest					
Control, janitorial					
services, etc.)					
Automobile					
Supplies					
Travel					
Permits					
Other:					

FIXED EXPENSES

Rent to Parks					
Interest					
Other:					
TOTAL					
EXPENSES					

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Exhibit O – Cash Flow Analysis Pro Forma (Continued)

Complete all aspects of this pro forma format that apply to your proposed Recreation Facility/Concession Operation for the first ten (10) years to operate. Specifics to your Proposal will need to be inserted under the major subsections such as Revenue, Operating Expenses, etc. Standard aspects are included with each subsection. Proposer will be required to add additional entries as appropriate; complete the required Exhibit; and submit it with their Proposal.

Revenue Source	Year 6	Year 7	Year 8	Year 9	Year 10
Other:					
Total Gross Revenue					
OPERATING EXPENSES					
Cost of Goods & Services Sold					
Salaries & Benefits					
Management Fees (operation)					
Repairs & Maintenance					
Utilities					
Insurance					
Equipment Lease & Rental					
Advertising & Promotion					
Accounting & Computer					
Taxes					
Contractual					

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Services: (Pest					
Control, janitorial					
services, etc.)					
Automobile					
Supplies					
Travel					
Permits					
Other:					

FIXED EXPENSES

Rent to Parks					
Interest					
Other:					
TOTAL					
EXPENSES					

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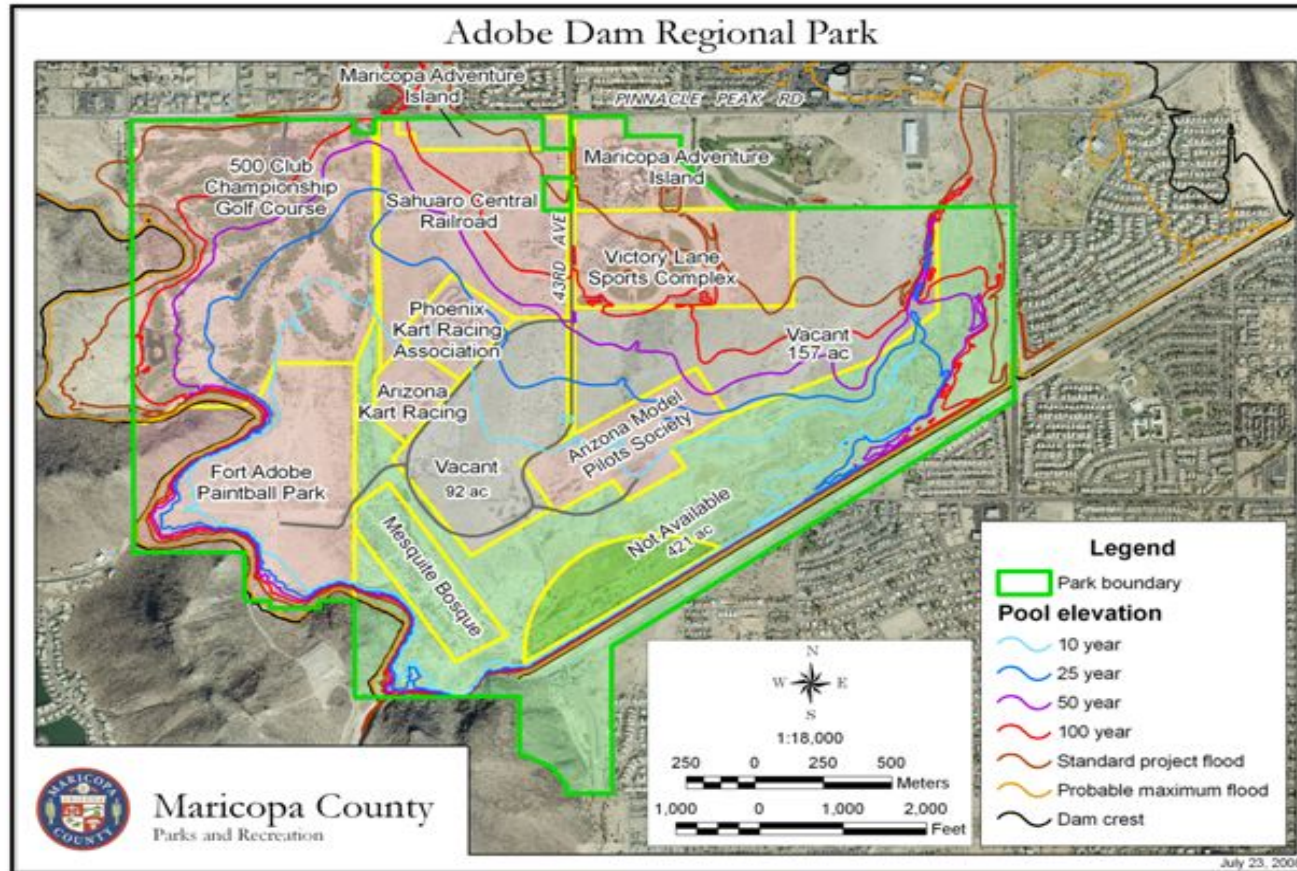
EXHIBIT P – CONSTRUCTION TIMELINE

Detail the anticipated timeline for initial planning, permitting and construction of the recreation concession. Clearly identify your projected operational date.

Repeat the same process as above for subsequent development phases as may be outlined in the Proposal.

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APPENDIX 1 – LOCATION MAP



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Appendix I – Location Map (Continued)

1. Recreation concessions currently identified at Adobe Dam Regional Park consist of the following:
 - 1.1 Arizona Kart Racing Association (AKRA): A dirt track kart racing facility.
 - 1.2 Arizona Model Pilots Society (AMPS): A model airplane flying club.
 - 1.3 Phoenix Kart Racing Association (PKRA): An asphalt track kart racing facility.
 - 1.4 Sahuaro Central: A railroad theme complex.
 - 1.5 500 Club Golf Course: A 27-hole golf course including a club house and driving range.
 - 1.6 Victory Lane Sports Complex: A sports complex consisting of ball fields, batting cages, volleyball and children's play area.
 - 1.7 Maricopa Adventure Island: An aquatic park. Maricopa Adventure Island will conceptually, when fully developed, consist of: 1) an aquatic facility; 2) an indoor ice arena; and 3) a year-round family entertainment-education center.
 - 1.8 Fort Adobe Paintball Complex: Playing fields designed to maximize the paintball experience.
2. The descriptions provided are intended to provide a brief summary or overview of the existing or planned concessions to assist you in determining how your concession will compliment the existing or planned concessions and not compete with them.
3. Acreage amounts of available parcels are approximate. Parcels can be sub-divided as may be required to ensure maximum utilization of parcels available. Additional questions pertaining to availability will be addressed during the Pre-Proposal Conference. (See **Appendix I – Location Map**)

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APPENDIX II – CONCESSION GUIDELINES

1. The desire of Parks is to expand the recreation concessions currently available or proposed for Adobe Dam Regional Park for use by the citizens of Maricopa County and its visitors. The types of recreation concessions desired are not specified; however, they must follow the guidelines stated below.
 - 1.1 Must be family-oriented and not be offensive to the general population. Examples of concessions that will not be considered include, but are not limited to, those to where gambling or wagering is permitted; where noise decibels are offensive; where light illumination is offensive to neighboring residences; where activities go past 10:00 p.m. unless approved by Parks.
 - 1.2 No person shall be denied use of the facility because of race, sex, age, handicap, disability, color, religion, sexual orientation, or national origin.
 - 1.3 The Proposer shall conform to all applicable laws, regulations, codes, etc. e.g. employer sanctions, health, building, zoning and safety codes.
 - 1.4 The Proposer agrees it will not discriminate against any employee or applicant for employment because of race, sex, age, religion, national origin or disability.
 - 1.5 It is not the intent of the Parks to preclude restaurant, concession or beer sales as long as it does not violate the spirit of this RFP. The intent of the Proposer for such sales must be identified in the Proposal and are subject to the Proposer obtaining the proper licenses and permits to do so. The inclusion of such intent must be incorporated into the final Use Management Agreement.
 - 1.6 The successful Proposer will be responsible for all costs associated with the planning; permitting; installation of utilities; payment of utilities; concession site development; construction; improvements; and insurance.
 - 1.7 Access to water is available through the City of Phoenix; natural gas is available through Southwest Gas (dependent upon obtaining the required permits from the Flood Control District of Maricopa County and the City of Phoenix); sewer through the City of Phoenix (possibly available depending upon obtaining the necessary permits from the Flood Control District of Maricopa County and the City of Phoenix). Septic or chemical toilets may or may not be an option dependent upon development restrictions.
 - 1.8 The successful Proposer will be required to survey (if a parcel is subdivided) or re-survey (entire parcel) their recreation concession site.
 - 1.9 The successful Proposer will be required to fence their recreation concession site to standards mutually agreed upon between Parks and the Proposer.

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Appendix II – Concession Guidelines (Continued)

- 1.10 The successful Proposer agrees to indemnify and save harmless the County and the Flood Control District of Maricopa County or any of their departments, agencies, officers or employees, from and against all loss, expense, damage or claim on any nature whatsoever which is caused by any activity, condition or event arising out of the performance or nonperformance of the Proposer.
- 1.11 The intent of Parks is not to alter any existing agreements with concessionaires without their request or consent.
- 1.12 No Proposer will be able to occupy the recreation concession site overnight.
- 2. All recreation concession development must be approved by Parks and the Flood Control District of Maricopa County, in coordination with the U.S. Army Corps of Engineers. The Proposer, as a minimum, must obtain a Right-of Way Permit from the Flood Control District; possibly a 404 Permit or waiver from the U.S. Army Corps of Engineers; and routine permits from the City of Phoenix, prior to development. (See **Appendix III – Development Guidelines and Restrictions**) (See **Appendix IV – Adobe Dam Elevations**) (See **Appendix V – Floodplain Regulations for Maricopa County**) (See **Appendix VI – Right-of-Way Permit Application Process**)

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APPENDIX III – DEVELOPMENT GUIDELINES AND RESTRICTIONS

(Source: Flood Control District of Maricopa County, February 28, 2008)

ADOBE DAM BACKGROUND

Adobe Dam was constructed by the U.S. Army Corps of Engineers (USACOE) in 1982 as part of the New River and Phoenix City Streams Flood Control Project. The dam functions as a flood control dam providing significant flood control benefits to the downstream population, developed properties and public infrastructure. The Flood Control District of Maricopa County (District) is the local sponsor for the dam and operates and maintains the Adobe Dam Project under an agreement with the USACOE. Additional background information and physical data on the dam is available at the District.

The following should be fully understood by all involved with development and planned activities and other uses within the Adobe Dam impoundment area:

- The primary function of the Adobe Dam impoundment area is a flood detention basin that is subject to significant flood impoundments at any time
- Facilities and activities within the Adobe Dam impoundment area must not adversely impact the safe and proper operation of the Adobe Dam Project as determined by the District, the USACOE and the Arizona Department of Water Resources (ADWR - state regulatory agency for the dam)
- Flood pool elevations as well as estimated flood frequencies and impoundment durations should be well understood by all planning development and activities within the Adobe Dam impoundment area
- The Adobe Dam maximum flood pool elevation (PMF) is 25 feet above the 100-year flood pool elevation
- The frequency of occurrence of flood pool impoundments above the 100-year flood pool has not been determined, but can be anticipated to be greater than a one percent probability in any given year due to the design, function and operation of the Adobe Dam Project and associated impoundment area. This is an important issue to consider when planning for development within the impoundment area in terms of the potential for flood inundation and flood damage to facilities and infrastructure
- Significant sediment deposition throughout the impoundment area is anticipated with rainfall/runoff/impoundment events
- Flood impoundments are anticipated during rainfall/runoff events which will essentially create a “temporary muddy lake” which will, to varying degrees, adversely impact facilities and activities within the impoundment area. The dam does **not** have gates or controls that can be utilized to mitigate the effect of flood impoundments on facilities and activities located within the impoundment area
- Those planning development and activities within the Adobe Dam impoundment area should be aware of and must follow development guidelines and restrictions
- In the interest of public safety all should be aware of and participate as applicable in Adobe Dam Emergency Action Plans
- All development plans and uses must be reviewed for approval through the District’s ROW Use permit process
- All development plans and uses must be approved by the City of Phoenix Development Services Department pertaining to planning and zoning, building codes etc.
- All USACOE requirements pertaining to “Waters of the U.S.” must be met and 404 permits acquired and complied with as applicable
- All environmental requirements must be met such as air quality and water quality etc.
- All construction must comply with OSHA requirements
- Any condition or activity determined by the District as creating a public safety hazard will be prohibited

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Appendix III – Development Guidelines and Restrictions (Continued)

Proposed Earthwork within Adobe Dam Impoundment Area

- No net loss in storage volume within impoundment and no loss of storage volume below crest of emergency spillway elevation– cut/fill balance
- Water impoundments shall be considered as a net loss in storage and must be offset by a storage gain as needed

Proposed Utilities

- Buried utilities must be designed not to “float” under impoundment
- Sewer line manholes must be sealed
- Utility shut off valves/switches to be included as appropriate
- Proposed utility crossings of dam and appurtenant dam features must comply with District guidelines for utility crossings at dams and will require approval by the District, USACOE and ADWR. An ADWR permit to construct will be required

Proposed Structures

- No inhabited structures below SPF level (crest elevation of emergency spillway)
- No permanent structures below 100-year pool level
- Below 100-year pool, passive recreation is generally acceptable provided no interference with dam management activities and subject to review and approval under District ROW Use Permit Process
- Must provide a means to physically close recreational facilities to prevent unauthorized access during an anticipated or actual impoundment event
- Structures and facilities are to be designed such that flood impoundments at structures and facilities do not result in debris that would impact function and safe operation of the dam, emergency spillway and principal outlet
- Portable structures that have the potential to float shall be prohibited unless shown to be adequately secured for impoundment impoundments

Fuel Storage

- Storage of flammable liquids is prohibited within the Adobe Dam impoundment area
- Use of portable propane tanks shall be prohibited unless shown to be adequately controlled to prevent a safety issues during flood impoundments

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Appendix III – Development Guidelines and Restrictions (Continued)

TABLE 2-1
ADOBE DAM PHYSICAL DATA

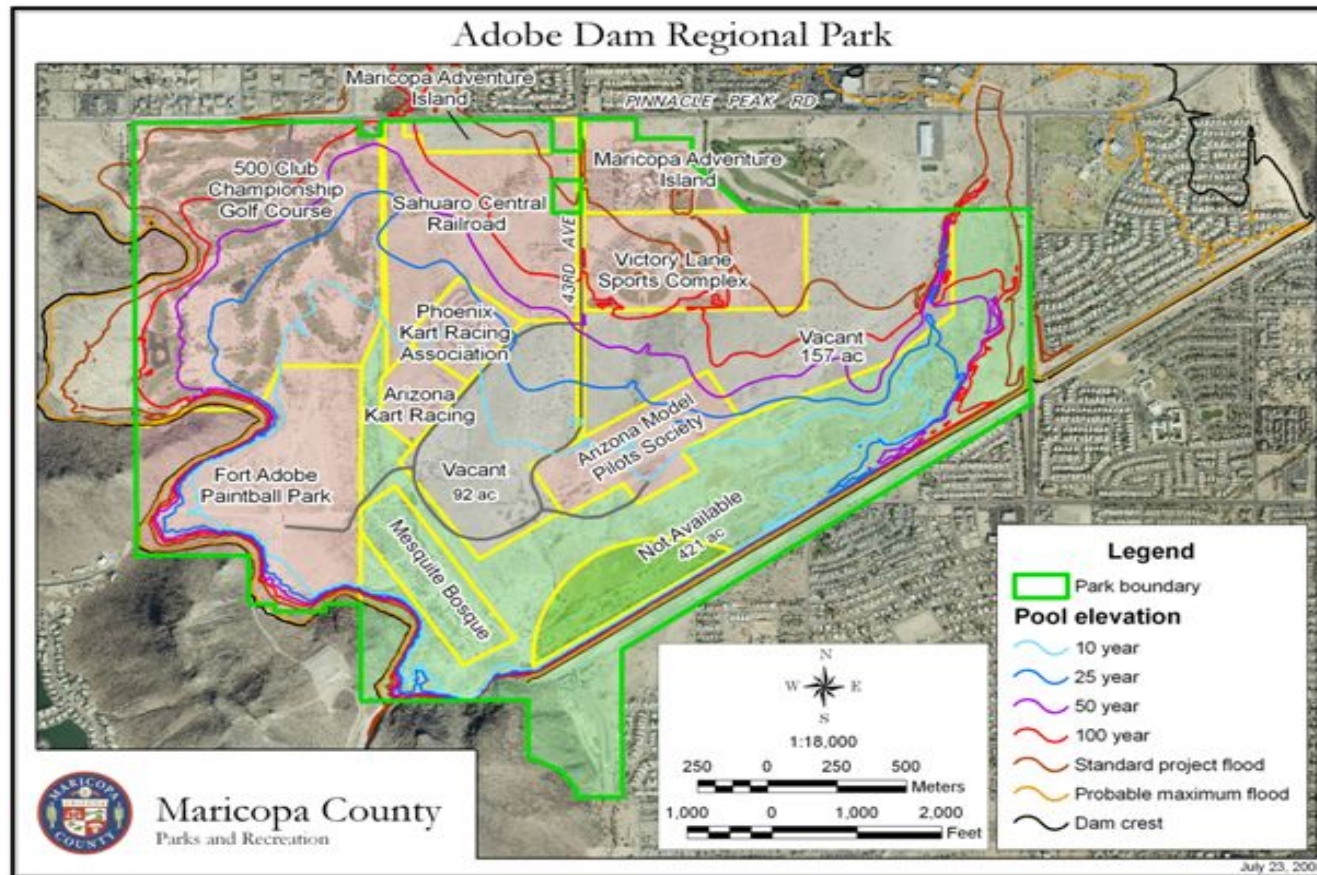
ITEM	AS-DESIGNED	AS-BUILT
Watershed Characteristics		
Vegetation Cover (percent)	N/A	
Area (sq. miles)	89.6	
Maximum Elevation (ft MSL)	4,000 (approx)	
Minimum Elevation (ft MSL)	1,338	
Reservoir of Flood Pool		
Peak Inflow Flood During a SPF (cfs)	66,000	
Peak Inflow During 100-year storm	N/A	
Peak inflow Flood During PMF (cfs)	119,000	
Storage at Emergency Spillway Crest (Gross) (ac-ft)	18,350	
100-year Sediments Accumulation (ac-ft)	2,700	
Storage at Maximum Water Level Reservoir Capacity (Gross) (ac-ft)	57,140	
Main Embankment		
Type	Zoned earth fill	
Length (ft)	11,245	11,220
Maximum Height	63	
Crest Width (ft)	20	
Crest Elevation (ft MSL)	1,403.0 (w/o 1.83 ft settlement)	
Freeboard (ft)	5.5	
Upstream Slope (H:V)	2.5:1 (H:V)	
Downstream Slope (H:V)	2.25:1 (H:V)	
Auxiliary Dike		
Type	Homogenous earth fill	
Length (ft)	1,635	1,770
Maximum Height	6	
Crest Width (ft)	15	
Crest Elevation (ft MSL)	1,400.50	
Upstream Slope (H:V)	6:1 (H:V)	
Outlet Works - Conduit		
Type	Rectangular-concrete ungated	
Length (ft)	290	
Height (ft)	8.8	
Width (ft)	5.9	
Discharge at Spillway Crest (cfs)	1,890	
Discharge at Maximum Water Level (cfs)	2,360	
Invert Elevation at Intake (ft MSL)	1,338	
Emergency Spillway		
Type	Broad Crested Weir	
Approach Channel Length (ft)	625	624
Crest Length (ft)	35	36
Crest Elevation (ft)	1,377.80	
PMF – Maximum Water Surface Elevation (ft MSL)	1,397.50	
PMF – Peak Outflow (cfs)	9,620	
ADWR Size Classification	N/A	Intermediate
ADWR Hazard Potential Classification	N/A	High

Notes:

N/A – Information not available or still being researched
As-built data listed if different from the as-designed value
As-designed data from COE 1979 and COE 1983
As built date from COE 1985
ADWR classification taken from ADWR 2002
All elevations based on NGVD 1929

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APPENDIX IV – ADOBE DAM ELEVATIONS



**REQUEST FOR PROPOSAL - ADOBE DAM REGIONAL PARK RECREATION
CONCESSIONS**

Appendix IV – Adobe Dam Elevations (Continued)

1. A member of FCD has been asked to be available at the Pre-Proposal Conference to answer any questions pertaining to development guidelines or the Right-of-Permit Process. General questions can also be addressed regarding the 404 Permit Process.
2. Parks does not warrant the accuracy or completeness of the information. It is the responsibility of the Proposer to determine regulatory requirements that are applicable to the proposed recreation concession.
3. Definitions and Further Explanations:
 - 3.1 Probable Maximum Flood (PMF): The flood may be expected from the most severe combination of critical meteorological and hydrological conditions that are reasonably possible in a particular drainage area, inclusive of extremely rare conditions.
 - 3.2 Standard Project Flood (SPF): As defined by the U.S. Army Corps of Engineers, is a flood that may be expected from the most severe combination of meteorological and hydraulic conditions that are considered reasonably characteristic of the geographical region involved, exclusive of extremely rare conditions.
 - 3.3 Water surface elevation for the two-year and five-year flood events is not available.
 - 3.4 Depth of water at each pool level elevation can be determined through mathematical calculation. Elevation at 10-year (1,363 feet) minus elevation at Dam Outlet Works (1,340 feet) = 23 feet (depth of water). An equation also exists to estimate the percent of probability of getting a given frequency flood in a given period of time which can be provided by the Flood Control District. An example would be: What is the frequency of getting a 100-year flood sometime during the next 30-year period of time? 26% is the statistical answer; however, nothing states you could not get a 100-year two (2) years in a row.
 - 3.5 The maximum water surface elevation you could expect, per Flood Control District information is the PMF elevation at the approximate elevation level of 1,399 feet or an estimated 59 feet in depth.
4. No parcel is suitable for 24-hour habitation, i.e. sleeping and living areas which would be required as part of the recreation concession.
5. An Emergency Evacuation Plan must be developed. A condition of the Use Management Agreement will be that the Proposer must identify a primary and alternate point-of- contact in event of emergency evacuation notification.

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APPENDIX V – FLOODPLAIN REGULATIONS FOR MARICOPA COUNTY

See the document entitled “Floodplain Regulations for Maricopa County”, provided separately, as a reference document only.

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APPENDIX VI – RIGHT-OF-WAY PERMIT APPLICATION PROCESS

See the document entitled “Right-of-Way Permit Application Process”, provided separately, as a reference document only.

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**REQUEST FOR PROPOSAL - ADOBE DAM REGIONAL PARK RECREATION
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**APPENDIX VII – ADMINISTRATIVE INSTRUCTIONS FOR THE PRE-PROPOSAL
CONFERENCE**

Date: Wednesday, October 22, 2008
Time: 9:00 a.m. (Mountain Standard Time)
Location: 234 N. Central Avenue, Suite 6400; Phoenix, AZ 85004

Agenda:

9:00 a.m.	Opening Remarks
9:15 a.m. – 9:45 a.m.	Introduction: Scope and Intent; Exceptions; Demographic Trends; History of Adobe Dam Regional Park; Existing Concessions
9:45 a.m. – 9:55 a.m.	Break
9:55 a.m. – 11:00 a.m.	Discuss RFP Highlights
11:00 a.m. – 11:10 a.m.	Break
11:10 a.m. – 12:00 p.m.	Questions; Answers; Clarification
12:00 p.m. – 1:15 p.m.	Lunch and Travel Time to Adobe Dam Regional Park
1:15 p.m. – 3:00 p.m.	Site Visit
3:00 p.m. – 3:30 p.m.	Wrap Up

Administrative Notes:

1. Bring the RFP with all exhibits and appendixes to the Pre-Proposal Conference.
2. Bring a business card to be retained by Parks.
3. Wear comfortable shoes and clothing.
4. Bring water as none will be provided during the site visit.
5. Be on time – doors will close at 9:00 a.m. and entry will be denied after 9:00 a.m.
6. Allow extra time for parking due to construction and traffic congestion.
7. Parking is limited. There is some street parking (generally metered); parking garages are located between Central Avenue and 1st Avenue on Van Buren and between 2nd Avenue and Van Buren. Parks does not validate parking.
8. A list of restaurants will be provided at the Conference.

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APPENDIX VIII – EVALUATION CRITERIA

Evaluation Criteria	Maximum Points
Completeness of Proposal	100
Responses to RFP Provisions	60
Proposer's References	35
Proposer's Presentation (if required)	5
Development Plan	350
Overall Concept - Supports Parks' Mission and other Concessions	125
Timetable for Development	125
Additional Services or Improvements Beyond Scope	50
Environmental Considerations	50
Management, Operation and Maintenance Plan	350
Management Qualifications	70
Operations Plan	75
Financial Strength and Capability	70
Maintenance Plan and Capital Improvements	75
% of Revenue Proposed - Maintenance	30
% of Revenue Proposed - CIP	30
Revenue	100
% Proposed	50
Annual Guaranteed Minimum to Parks	50
Overall	100
Overall Strength of Proposal	75
Previous County or Parks Performance	25
	1,000